

SNOHOMISH COUNTY Charter Review Commission

Wednesday May 10, 2006

Public Meeting Room No. 1

**First Floor, County Administration Building East
Everett, Washington**

Commission Members Present: Gail Rauch, Mike Cooper, Kim Halvorson, Ryan Larsen, David Simpson, Christine Malone, Mark Bond, Jim Kenny, Kristin Kelly, Rick Ortiz, Eric Earling, Wendy Valentine, Barbara Cothorn Hawksford, and Diane Symms.

Commission Members Excused: Rene Radcliff Sinclair

Staff Present: Stephen Reinig, Allena Olson

Others in Attendance: Patrick McMahan, Jim Cummins, Jolene Baker, John Flowers, Danen Barnhart, Geri Modrell, Paul Daley, Paul Blowers, Peter Camp.

Call to Order: Chair Cooper called the meeting to order at 6:30 p.m.

Approval of Minutes: Chair Cooper clarified that the straw poll taken on April 26th was not taken with the intent of being a decision making process, but for administrative support and information for the staff.

ACTION: Commissioner Simpson made a motion that the minutes of April 26th be approved. Commissioner Symms seconded the motion, and all Commission members present unanimously approved it.

Approval of Agenda: **ACTION:** Commissioner Hawksford made a motion to approve the agenda. Commissioner Rauch seconded the motion, and all Commission members present unanimously approved it.

Approval of Vouchers: **ACTION:** Commissioner Simpson made a motion to approve the reimbursement vouchers of the Commissioners. Commissioner Kelly seconded the motion, and all Commission members present unanimously approved it.

Public Comment: The topic of whether or not the Commissioners would be able to ask the public questions after their comments was raised among the Commissioners.

DISCUSSION: Commissioner Kelly commented that with her work she sees people who will lead the speaker on with specific questions giving them more time to testify about what it is that they are presenting, and this line of questioning is not fair to others. She asked that the Commission be aware of that, and not do it.

Commissioner Bond asked whether there was a policy already in place that the Commissioners were not to ask questions after a member of the public had spoken. Chair Cooper replied that there is not an actual policy in place and that asking questions of the public should not present any problems if the Commissioners all remained focused.

Commissioner Symms commented that she was the one to ask that the Commissioners be allowed to ask questions.

Commissioner Bond stated that he felt a decision should be made to make the questioning guidelines clear now so that rules were not being made up as they went along.

Chair Cooper stated that the public should have the set three minutes to speak because that is typical of most government standards. The general guideline for questions is that they be clarifying in nature, and the Chair will monitor the questions.

Commissioner Valentine stated that since there was protocol already in place that there should be a motion to accept the questioning guidelines.

ACTION: Commissioner Symms made a motion the Commissioners have an opportunity to question the public on the topic that they have presented. Commissioner Hawksford seconded the motion.

ACTION: Commissioner Kelly made a motion to amend Commissioner Symms motion by limiting the public's response to the questions asked to one to two minutes. Commissioner Simpson seconded the amendment to the motion.

Commissioner Earling commented that he didn't see a clear purpose for the amendment.

Commissioner Halvorson stated that she was confident that the Chair would effectively monitor the questions put to the public and she felt the amendment was unnecessary.

ACTION: Commissioner Kelly's amendment to the original motion failed. The original motion was unanimously approved by all Commission members present.

Pat McMahan, from Mountlake Terrace, stated that he was an advocate for increasing the County Council from five members to seven. He said that he feels the Council is continually stretched for time and that the inability of the Council to have representation at some public meetings is affecting the residents of Snohomish County. He stated that there is adequate space for two additional offices in the area that the Council currently operates. Mr. McMahan stated that he would like to see this issue on the ballot this year and that increasing the Council size should not be put off until the population numbers reach 700,000.

Commissioner Symms asked Mr. McMahan what he thought the additional cost would be to increase the size of the County Council.

Mr. McMahan replied that he did not care about the cost, that a good government will cost money.

Commissioner Valentine asked how the two additional Council members would represent the unincorporated members of Snohomish County.

Mr. McMahan replied that representation would similar to how it is at this point in time.

Danen Barnhart, of Marysville, spoke on the difference between Municipal government and Tribal government. He stated the three major differences between the two, transparency, sovereignty, and unfair political involvement. He stated that he felt these practices were unfair and that he would like to see Interlocal Agreement with Tribal government be required to pass through the ordinance process.

Commissioner Rauch asked Mr. Barnhart if he was a member of the Marysville/Tulalip Community Council.

Mr. Barnhart replied that he was a member, but not a chair.

Commissioner Kelly asked Mr. Barnhart what would happen if this were done and something didn't pass, what would happen between the Tribe and the County.

Mr. Barnhart replied that whenever anything isn't passed within a government relationships are strained, and this would be no different.

Commissioner Earling asked Mr. Barnhart if he was asking for a mandated public process.

Mr. Barnhart replied that was what he was looking for.

Chair Cooper stated that the section dealing with motions is very narrow. He asked Mr. Barnhart if he was aware of an example of something that had not been passed by ordinance.

Mr. Barnhart stated he did not have a specific example of this for the Commission.

Jim Cummins spoke of his opposition to putting the increase of the County Council on the ballot, until there is a simpler scenario for the public to understand. He also stated that he opposed the Sheriff running the jail. He stated that there is too much opportunity for vengeance in that situation. Mr. Cummins spoke of his opposition to a salary commission, stating that it would be impossible to have one that was not politically motivated. He also stated that he is against both the line item veto and the biennial budget.

Commissioner Symms asked for clarification from Mr. Cummins as to whether or not he was for or against the salary commission.

Mr. Cummins replied that he was opposed to a salary commission.

Paul Daley, of Everett, spoke of his concern about stretching the County Council to seven members. He stated that Snohomish County should look at King County as an example, that King County is currently downsizing their County Council from nine to seven members. He said that he would be in favor of giving the current Council more staff if they are in need of more people to get the work done, but he does not feel that more Council members would be the solution. He also stated his concern about the line item veto, saying that he feels the process should remain how it is, that people need to keep representation on items through the Council.

Commissioner Bond thanked Mr. Daley for speaking and encouraged him to return to later meetings as this topic would be discussed further.

Chair Cooper asked if Mr. Daley was in support of a legislative veto instead of the line item veto.

Mr. Daley replied that he was in favor of the legislative veto, that if something needs to be changed that the whole scenario should be taken back to be reargued.

Paul Blowers, of Arlington, spoke on his strong opposition to expanding the County Council. He feels that this would be much too costly, and that the expansion is motivated by those who wish to become Council members. He thinks that the Executive should be appointed, but knows that it won't be, and that the line item veto is ridiculous and the Executive has too much power as it is. He also feels that the County Assessor, Auditor, and Sheriff should be partisan positions.

John Flowers, of Everett, spoke on his desire to see something in the Charter that would deal with the traffic problems occurring in Snohomish County. He stated that he feels people are going to start voting in problem solvers because nothing is happening to improve the situations of traffic, education, and the environment. He stated that he wishes to see these things become more of a priority at the County level.

Chair Cooper stated that many of the issues that Mr. Flowers spoke of are done by ordinances brought into the Council.

Chairs Comments: Chair Cooper stated that in the meeting last week with the Executive the amendments to the budget were accepted by the County Council and the contract is currently going around to get all the necessary signatures. Chair Cooper said this means that the Mr. Rich Davis should be in attendance by the 24th.

Chair Cooper reminded the Commission that next week will be an outreach meeting in Mill Creek and if there are no new issues to add then the Commission will vote to move

forward with the issue list and the topics will be given to the staff for further information collection.

Chair Cooper noted that there was a request for an item by item vote on the 17th but that requires a special motion because it is an outreach meeting, and it was previously decided that no decisions would be made at outreach meetings.

DISCUSSION: Commissioner Halvorson stated that at the meeting in Mill Creek there is only one speaker scheduled and that would allow extra time to get more done in the way of the issue list.

ACTION: Commissioner Halvorson made a motion to waive the rules established on outreach meetings that would allow the issue list to be narrowed in the field on the 17th. Commissioner Symms seconded the motion.

Commissioner Hawksford voiced her concern on this issue stating that she felt the Commission should stick with the original plan and rules already in place.

Commissioner Kelly agreed with Commissioner Hawksford.

Commissioner Earling stated he agrees with Commissioner Halvorson and supports the motion. He felt that since the Commission would only be narrowing the list that it would be within reason to allow this to occur in the field.

Commissioner Kelly noted that the issue of Commissioner attendance should be taken into consideration.

Commissioner Ortiz asked if the thought behind the motion was to simply allow the Commission the freedom to work.

Commissioner Earling stated that although the list would be narrowed there was still allowance for issues to be revisited.

Commissioner Simpson said he felt the original rules should be upheld and that no decisions should be made out in the field.

Commissioner Kelly stated she felt that the narrowing should occur on the 24th as originally scheduled.

Commissioner Rauch concurred.

ACTION: The original motion made by Commissioner Halvorson was put to a vote and failed.

Chair Cooper stated that looking at the calendar it appears that the Commission will need to meet for three, if not all four of the Wednesdays per month starting in June. Chair

Cooper noted that there will be only a few days after the last meeting in July until the entire review needs to be wrapped up.

DISCUSSION: Commissioner Bond stated he felt that it would be wise to budget time for a Saturday meeting.

Commissioner Hawksford said that a decision was not necessary at this point because the issue list has yet to be voted on and the Commission is not even sure what it is looking at yet.

Commissioner Kelly said that she would be in favor of scheduling a meeting for every Wednesday from here forward, but that she is not in favor of weekend meetings.

Commissioner Earling said he thought that a meeting every Wednesday for both June and July would be wise.

Commissioner Valentine said weekend meetings would be difficult to schedule.

Commissioner Kenny suggested that at this point meetings should be scheduled for every Wednesday forth, and that a Saturday should also be blocked out so that it would be available if necessary.

Chair Cooper stated that a meeting should be scheduled for Wednesday May 31st.

ACTION: Commissioner Rauch made a motion to schedule a meeting for Wednesday May 31st, to be held at 6:30 in the County Administration Building in Everett.

Commissioner Valentine seconded the motion, and all Commission members present unanimously approved it.

Commissioner Symms requested to make a statement for public record regarding a newspaper article printed in the May 10th edition of the Everett Herald.

Commissioner Symms stated that her voting yes to the straw poll was not in support of increasing the size of the Snohomish County Council, nor in support of this issue being placed on the ballot. She was voting in favor of having staff research this topic further.

Commissioner Hawksford asked Chair Cooper if there was a limit of items that can be put to voters. She noted that there are numerous topics to deal with and wondered why time should be spent on things of housekeeping when that was put to the voters last time and didn't pass.

Chair Cooper stated that a discussion on that topic will happen as the Commission moves forward on narrowing the issue list.

Issue Discussion Item: Performance Auditor. Steve Reinig gave the Commissioners an overview of the background information packet given to them. He said that the wording

in the Charter puts the Performance Auditor under the County Auditor, which gives the County Auditor a considerable amount of power and control. He also said that in the background information there is descriptions of the difference between performance auditing and financial auditing. Steve continued further with background information on the Performance Auditor.

DISCUSSION: Commissioner Simpson asked if the elected position of Auditor was a four year term. Steve replied that it was.

Commissioner Halvorson noted that the FTE was originally 3 – 3.5 and inquired as to what brought it down to 1.5. Steve replied that he believed it was due to a budget cut, but he didn't know the specific details.

Commissioner Hawksford asked if by chance some of the numbers on the packet were incorrect because they didn't make sense. Steve replied that they were indeed correct, and the auditor situation was much different in other counties in other states.

Commissioner Symms asked if Snohomish County does outside contracting. Steve replied that he knows they do bring in outside help, but that consists of staff and interns, not auditors.

Chair Cooper commented he was astounded that the County had only budgeted enough for 1.5 FTE, and that was barely enough to cover personnel costs.

The most pertinent issues of the Performance Auditor to discuss listed are: The placement of the Performance Auditor, the independence of the Performance Auditor, the predictable budget for the Performance Auditor, and the strength and access of information.

Commissioner Earling commented about a meeting he had with the current Performance Auditor. He said that she was very direct, and had him ask any questions he had. He said she stated that at this point there are no regulatory controls in place if she would have to work under any auditor other than the current one.

Commissioner Earling said that the Performance Auditor recommended that it be moved back to under the County Council. She also requested regulatory controls for under the Council. She also had a percentage of the County budget that she would like to see assigned to her. It was most prudent to her however, that the performance auditor be moved back to the County Council.

Commissioner Rauch asked Commissioner Earling if he had asked any questions regarding hiring outside help.

Commissioner Earling replied that there was no funding for it as of now, but it would be a possibility in the future and the Performance Auditor had mentioned that she would be

interested in doing that. She had also mentioned the possibility of an ombudsman for public input as another option.

Commissioner Kelly commented that any department will say they need more funding and that she is very leery of setting budget constraints in the Charter.

Chair Cooper commented on topics that may want to be looked at relating to the Performance Auditor, such as independence and contracting work out.

Commissioner Hawksford stated that the Performance Auditor was adopted 10 years ago and several years have been spent trying to make it more effective.

Commissioner Kenny said that he had a couple questions on Bob Terwilliger's view of the Performance Auditor. Commissioner Kenny said he took a look at Mr. Terwilliger's follow up materials in which he states that he feels the Performance Auditor is working out well but then Commissioner Kenny found him to also state the he thinks it would work better to have the auditor under the legislative body.

Commissioner Kenny also found two provisions on the Performance audit in the Charter. He said that it states the Council has the power to conduct all the performance audits they wish. The Commission shouldn't have to fix this- the Council needs to fix this for themselves.

Commissioner Rauch said that it is clear that the citizens want a performance auditor and it needs to be made clear to them they do have one.

Commissioner Earling stated he concurred with Commissioner Rauch. He also commented that if the Performance Auditor was moved that it would make sense to adjust the audit committee accordingly.

Commissioner Bond inquired as to whether there were any comments made regarding the Performance Auditors position being elected during Commissioner Earling's meeting.

Commissioner Earling replied that there had been no such comments.

Commissioner Bond stated he thought having the position be elected would help with the issue of independence.

Commissioner Halvorson suggested the Commission go back to 1996 and look at the issues of the Performance Auditor because that was the year it was a hot button issue.

Administrative Report: The results of the last survey monkey are in. At this point there is no other survey written but Commissioner Halvorson suggested creating one compiled of the top twenty issues being discussed by the Commission.

There was discussion amongst the Commissioners on the best way to go about getting the work out there on the last of the surveys.

Steve said that he would create a draft of the survey to circulate to the Commissioners.

Adjournment: The meeting was adjourned at 8:20 p.m.

Minutes submitted by:

Allena Olson
Recorder